

Remarks

The Final Office Action dated January 7, 2010 has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-8, 11, 12 and 14-23 are pending in the application. Claims 12 and 14-23 are allowed. Claims 1-8 and 11 are rejected. Claim 1 has been amended. As explained in more detail below, Applicants respectfully submit that all claims are in condition for allowance and respectfully request such notification.

Telephone Interview

Applicants' counsel thanks the Examiner for the time and courtesies extended during an April 1 and April 6, 2010 telephone interviews. During the interviews, independent claim 1 with regards to the 35 U.S.C. § 101 rejection was discussed. Applicants respectfully submit that the following amendments conform with the Examiner's comments and recommendations. The Examiner informed Applicants' counsel that an interview summary would be issued summarizing the areas discussed during the interview.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-8, and 11 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 has been amended by this response. *In re Bilski* states that “a claim that purportedly lacks any ‘physical steps’ but is still tied to a machine or achieves an eligible transformation passes muster under § 101.” 545 F.3d 943, 961 (Fed. Cir. 2008). Applicants respectfully submit that claim 1 provides a transformation and utilizes a machine, a “a medical device system,” to administer a treatment therapy.

Claim 1 identifies at least one processor receiving a first input and receiving a second input. Claim 1 also identifies “the medical device system” administering the treatment therapy in the body of claim 1. Furthermore, Applicants submit that independent claim 1 provides a transformation by receiving a first input, receiving a

second input, and then administering a treatment therapy by the process in accordance with the first and second inputs. Therefore, Applicant respectfully submits that the method claims are directed to statutory subject matter and respectfully requests withdrawal of the rejection under 35 U.S.C. §101.

Dependent claims 2-8 and 11 which ultimately depend from independent claim 1 are allowable for at least the same reason as independent claim 1.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance. If any matters can be addressed via telephone, the Examiner is invited to contact the undersigned at the number provided below.

Respectfully submitted,

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